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PATENT  
ATTORNEY DOCKET NO. 053837-5001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Richard WISE

Application No.: 09/985,952

Filed: November 6, 2001

For: APPARATUS AND METHOD FOR  
ISOLATING MATERIALS

Confirmation No. 4205

Group Art Unit: 3653

Examiner: J. Rodriquez

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Commissioner for Patents  
Arlington, VA 22202

**NOTICE OF APPEAL TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated March 10, 2004, the period for reply to which has been extended to September 10, 2004, by a 3-month extension of time filed concurrently herewith, finally rejecting claims **1 through 8**.

1. **Extension of Time**

- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total Months Requested	Fee for Extension	[Fee for Small Entity]
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input checked="" type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00

- ☒ If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension of time fee due with this request: **\$475.00**.

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2. **Notice of Appeal Fee – 37 C.F.R. § 1.17(b)**

- ☐ The fee in the amount of \$330.00 to cover the appeal fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge the Notice of Appeal fee to Deposit Account No. 50-0310. The amount is \$330.00.

3. **Fee Total(s):**

- ☒ The Notice of Appeal Fee Under 37 C.F.R. § 1.17(b) of \$330.00 with a 3-month extension of time fee of \$475.00, totaling \$805.00, is being charged to Deposit Account No. 50-0310.


4. **Constructive Petition**

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated August 24, 2004

By:   
David B. Hardy  
Reg. No. 47,362

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